

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CRYSTAL BIRD** and **BRIAN BYRD**,  
Individually, and on Behalf of all Similarly  
Situated Persons,

Plaintiffs,

v.

**AARON'S, INC.**, *et al.*,

Defendants.

Civil No. 1:11-CV-101-SPB  
(Judge Sean J. McLaughlin)

**Foreign and Pennsylvania Franchisee Defendants'  
Motion to Dismiss Plaintiffs' Third Amended Complaint**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2), and 12(b)(6), the Pennsylvania Franchisees<sup>1</sup>, together with the Foreign Franchisees<sup>2</sup> (collectively, "the Franchisees"), hereby move this Court to dismiss all of the claims Plaintiffs assert against the Franchisees in the Third Amended Complaint. Plaintiffs' claims against the Franchisees should be dismissed pursuant to Rule 12(b)(1) because Plaintiffs fail to allege injury-in-fact as to the Franchisees and this Court therefore lacks subject matter jurisdiction over Plaintiffs' claims

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<sup>1</sup> The Pennsylvania Franchisees are defined to include Defendants Boxer Enterprise, Inc., CMH Leasing Partners, LLC, KFJ Enterprises, LLC, Madison Capital Investments, Inc., Pomona Lane Partners, LLC, Rebco Investments, LLC, and TDS Foods, Inc.

<sup>2</sup> The Foreign Franchisees are defined to include Defendants AH&H Investments, LLC, Bear Rental Purchase, Ltd., Circle City Rentals, Cram Leasing, Inc., DC Sales and Lease, Inc., DPR Alaska, LLC, DPR Colorado, LLC, DW3, LLC, DWC Ventures, LLC, Fairway Leasing, LLC, Five Star Financials, LLC, FT GOT THREE, LLC, G.N.S. and Associates, Inc., Green River Corporation, Hanson Holding Company, Inc., Honey Harbor Investments, LLC, Howard Rents, LLC, HPH Investments LLC, J&L Beach Enterprises, Inc., J.R. Rents, Inc., Jenfour LLC, Jenkins Rental LLC, Lifestyle Furniture Leasing, MKW Investments, Inc., No Three Putts Enterprises, LLC, NW Freedom Corp., R & Double K, LLC, Rex Neal, Inc., Royal Rents, Inc., Royal Rocket Retail, LLC, Shining Star Ventures, Inc., Showcase Home Furnishings, Inc., Sultan Financial Corp., Tanglewood Management, LLC, TUR, Inc., Watershed Development Corporation, and WGC, LLC.

against the Franchisees. Further, this Court lacks personal jurisdiction over the Foreign Franchisees and Plaintiffs' claims against the Foreign Franchisees should therefore be dismissed pursuant to Rule 12(b)(2). Finally, Plaintiffs' claims against the Franchisees should be dismissed pursuant to Rule 12(b)(6) because the Third Amended Complaint fails to state a claim upon which relief may be granted. The accompanying Foreign and Pennsylvania Franchisee Defendants' Memorandum of Law in Support of Motion to Dismiss Plaintiffs' Third Amended Complaint is incorporated herein by reference.

Dated: July 29, 2013

Respectfully submitted,

**BUCHANAN INGERSOLL & ROONEY PC**

/s/ Steven E. Bizar

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*Corporation, Hanson Holding Company, Inc., Honey Harbor Investments, LLC, Howard Rents, LLC, HPH Investments LLC, J&L Beach Enterprises, Inc., J.R. Rents, Inc., Jenfour LLC, Jenkins Rental LLC, KFJ Enterprises, LLC, Lifestyle Furniture Leasing, Madison Capital Investments, Inc., MKW Investments, Inc., No Three Putts Enterprises, LLC, NW Freedom Corp., Pomona Lane Partners, LLC, R & Double K, LLC, Rebco Investments, LLC, Rex Neal, Inc., Royal Rents, Inc., Royal Rocket Retail, LLC, Shining Star Ventures, Inc., Showcase Home Furnishings, Inc., Sultan Financial Corp., Tanglewood Management, LLC, TDS Foods, Inc., TUR, Inc., Watershed Development Corporation, and WGC, LLC*

**Certificate of Service**

I hereby certify that on July 29, 2013, a copy of the foregoing Foreign and Pennsylvania Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint, and Proposed Order, were filed electronically. Notice of this filing will be sent to the parties by operation of the court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven E. Bizar